

REMARKS

1. Summary of Office Action

In the Office Action mailed June 6, 2005, the Examiner rejected claims 1-28 and 31-45 under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1-16 and 18-22 of U.S. Patent Application No. 09/728,558. The Examiner rejected claims 5-7, 15-19, 24-25, 28-30, 34, and 39-41 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicants regard as the invention. The Examiner rejected claims 1, 13-15, and 37-38 under 35 U.S.C. §102(b) as being anticipated by Charles P. Pfleeger, "Security in Computing," ISBN 013374866, 1996 (Pfleeger). The Examiner rejected claims 1-4, 8, 12-26, 31-32, 34, 36-39, and 42 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,484,261 (Wiegel). The Examiner rejected claims 5-7, 9-11, 27-30, 33, 35, 40-42, and 44-45 under 35 U.S.C. §103(a) as being unpatentable over Wiegel in view of Official Notice.

2. Amendments and Pending Claims

Applicants have amended claims 1, 5, 13-19, 21, 24, 26-28, 30, 34 and 37-38, have cancelled claim 22-23, 25, 29, and 39-41, and have added new claims 46-49. Presently pending in this application are claims 1-21, 24, 26-28, 30-38 and 42-49, of which claims 1, 13, 37, and 38 are independent.

3. Response to Double Patenting Rejections

The Examiner rejected claims 1-28 and 31-45 under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1-16 and 18-22 of U.S. Patent Application No. 09/728,558. At this time, the Assignee of U.S. Patent Application No.

09/728,558 plans to allow U.S. Patent Application No. 09/728,558 to go abandoned, and thus Applicants submit the double patenting rejection is moot.

4. Response to Rejections under 35 U.S.C. § 112, Second Paragraph

The Examiner indicated that the term “the first transport port” in claim 7 lacks antecedent basis. Applicants respectfully disagree, because claim 7 recites “a first transport port” prior to reciting the term “the first transport port,” and thus an antecedent basis is provided for use of the term “the first transport port.”

Next, the Examiner indicated the phrase “keyed to” as recited in claims 5 and 15-19 is unclear. Applicants have amended claims 5 and 15-19 to replace the phrase “keyed to” with the phrase “associated with” to clarify the invention recited in these claims.

Next, the Examiner indicated that the phrase “pre-provisioning the interconnection system” as recited in claim 24 is not understood. The Applicants have amended claim 24 by (i) deleting the terms “wherein provisioning the interconnection system with the access control logic comprises” and “pre-provisioning,” and (ii) adding limitations to clarify the method comprises providing at least another portion of the access-control logic to the interconnection system prior to detecting the attempted inter-node communication between service components.

Next, the Examiner indicated that the term “a platform-provider” recited in claim 34 is unclear. Applicants have amended claim 34 by deleting the term “operated by a platform provider.” By this amendment, however, Applicant does not intend to establish that the platform is not operated by a platform-provider.

Next, the Examiner indicated that the phrase “provisioning the interconnection system on demand” recited in claim 25 is not understood. Applicants have cancelled claim 25.

Next, the Examiner indicated the phrase “translating the instructions into packet-filtering logic executable by the packet-filtering agent” recited in claim 27 is not understood. Applicants have amended claim to 27 to clarify that the instructions recited in claim 27 are command-line instructions.

Next, the Examiner indicated that the phrase “entity external to the interconnection system” recited in claims 28, 30, and 39 is not understood. (Emphasis in Office Action). Applicants have amended claims 28 and 30 to clarify that the entity is an entity coupled to the interconnection system. Applicants have cancelled claim 39.

Next, the Examiner indicated that clarification is required with regard to the use of the phrase “performs the element of determining” in claim 28 and the use of the phrase “in response to the determination” in claim 29. In particular, clarification is required whether the two determinations are the same determination or unrelated determinations. Applicants have cancelled claim 29 and have deleted the phrase “determining that the attempted inter-node communication is not allowed” from claim 28.

Next, the Examiner rejected claims 6 and 40-41 under 35 U.S.C. §112, second paragraph, by virtue of their dependence. Applicants have cancelled claims 40-41. Applicants submit that the rejection of claim 6 under 35 U.S.C. §112, second paragraph, is moot because claim 5 has been amended to overcome the rejection under 35 U.S.C. §112, second paragraph.

Based on the amendments and remarks regarding claims 5, 15-19, 24, 27, 34 and the remarks directed to claims 6-7, and 28, Applicants submit that claims 5-7, 15-19, 24, 27-28, and 34 are in compliance with 35 U.S.C. § 112, second paragraph. Applicants submit that the rejection of claims 25, 29, and 39-41 under 35 U.S.C. §112, second paragraph, is moot since these claims have been cancelled.

5. Response to Rejections under 35 U.S.C. §102(b) and 35 U.S.C. §102(e)

The Examiner rejected claims 1, 13-15, and 37-38 under 35 U.S.C. §102(b) as being anticipated by Pfleeger and rejected claims 1-4, 8, 12-26, 31-32, 34, 36-39, and 42 under 35 U.S.C. §102(e) as being anticipated by Wiegel. Applicants respectfully traverse the anticipation rejections of pending claims 1-4, 8, 12-21, 24, 26, 31-32, 34, 36-38, and 42, because neither Pfleeger nor Wiegel disclose or suggest each and every element as recited in any of these claims as amended.

In particular, neither Pfleeger nor Wiegel disclose or suggest (i) providing at least a portion of the access-control logic to an interconnection system in response to an attempted inter-node communication involving the at least one service component (or between service components), as recited in independent claims 1 and 13, or (ii) providing to the interconnection system, in response to an attempted inter-node communication between the application components, at least a portion of access-control rules that define allowed communication between the application components, as recited in independent claim 37, or (iii) a session manager communicatively linked with the interconnection system, wherein the logic is located, at least in part, in the session manager, and wherein the session manager provides at least a portion of the logic to the interconnection system in response to the attempted inter-node communication, as recited in independent claim 38. The amendments to independent claims 1, 13, 37, and 38, include adding limitations recited in original claims 40 and/or 41. Claims 40 and 41, which Applicants have cancelled, have already been examined by the Examiner.

With respect to Pfleeger, at best, Pfleeger discloses a screening router that uses screening rules to allow or block inter-node communications. However, Pfleeger does not disclose or suggest how the screening router is provided with the access-control logic (or screening rules), or

in particular, that the screening router is provided with at least a portion of the access-control logic (or screening rules) in response to an attempted inter-node communication.

Because Pfleeger does not teach each and every element of claims 1, 13, and 37-38, Pfleeger fails to anticipate claims 1, 13, and 37-38 under 35 U.S.C. § 102(b). Further, because each of claims 14-15 and 46-49 depend from either of claims 1, 13, 37, or 38, Pfleeger necessarily also fails to anticipate claims 14-15 and 46-49 as well.

Next, with respect to Weigel, at best, Weigel discloses (i) decision tree-based policies that are applied to each single act of communication between two network objects (i.e., an incoming session), and (ii) “when a packet is received, the gateway or firewall walks the [decision] tree and executes the instructions to accept or reject the packet.” (Col. 9, lines 50-67). Weigel also discloses that “to apply a policy to a network object in the Networks tree 720, the administrator selects one of the policy icons 319, drags it from the policy tree 316 to a network object in the Networks tree, and drops the icon on the network object.” (Col. 27, lines 35-40). However, Applicants submit that Weigel does not disclose or suggest providing at least a portion of the access-control logic (or access-control rules) to an interconnection system in response to an attempted inter-node communication, as recited in the independent claims.

Because Weigel does not teach each and every element of claims 1, 13, and 37-38, Weigel fails to anticipate claims 1, 13, and 37-38 under 35 U.S.C. § 102(e). Further, because each of claims 2-4, 8, 12, 14-21, 24, 26, 31-32, 34, 36-38, and 46-49 depend from either of claims 1, 13, 37, or 38, Weigel necessarily also fails to anticipate claims 2-4, 8, 12, 14-21, 24, 26, 31-32, 34, 36-38, and 46-49 as well.

6. Response to Rejections under 35 U.S.C. § 103(a)

As noted above, the Examiner combined Weigel with Official Notice to reject claims 40 and 41, as well as claims 5-7, 9-11, 27-30, 33, 35, 42, and 44-45, under 35 U.S.C. §103(a). According to M.P.E.P § 2143, in order to establish a *prima facie* case of obviousness of a claimed invention by applying a combination of references, the combination must disclose or suggest all of the claim limitations.

The Official Notice taken by the Examiner is that it is old and well-known practice (i) that network communication may occur with any network nodes including a node that contains access-control logic, (ii) to restrict specialized function with devices (such as firewall) and assign tasks such as determination that the attempted inter-node communication (ACL functionality) is not allowed from a device performing the actual blocking, (iii) to interconnect processing nodes running different operating systems, (iv) to utilize a cluster-based computing environment, (v) that the Internet includes nodes with antagonistic service components hosted by many competing application providers, and (vi) to implement instruction translation on a device that implements the instruction.

Applicants submit that the Official Notice does not make up for the deficiency of Weigel. In particular, Applicants submit that the Official Notice, alone or in combination with Weigel, does not disclose or suggest (i) providing at least a portion of the access-control logic to the interconnection system in response to an attempted inter-node communication involving the at least one service component (or between service components), as recited in independent claims 1 and 13, or (ii) providing, to the interconnection system, in response to an attempted inter-node communication between the application components, at least a portion of access-control rules that define allowed communication between the application components, as recited in